



General Assembly

January Session, 2001

Raised Bill No. 6957

LCO No. 4566

Referred to Committee on Environment

Introduced by:
(ENV)

***AN ACT CONCERNING THE TRIMMING OF TREES BY THE STATE
WITHIN THE BOUNDS OF A MUNICIPALITY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 13a-140 of the general statutes is repealed and the following
2 is substituted in lieu thereof:

3 (a) The commissioner may cut, remove or prune any tree, shrub or
4 other vegetation situated wholly or partially within the limits of any
5 state highway so far as is reasonably necessary for safe and convenient
6 travel thereon. No person, firm or corporation, and no officer, agent or
7 employee of any municipal or other corporation, shall cut, remove or
8 prune any tree, shrub or vegetation situated partially or wholly within
9 the limits of any such highway without first obtaining from said
10 commissioner a written permit therefor, provided however, that
11 nothing contained in this subsection shall limit the rights of public
12 service companies, as defined in section 16-1, to cut and trim trees and
13 branches and otherwise protect their lines, wires, conduits, cables and
14 other equipment from encroaching vegetation. No such permit shall be
15 issued by the commissioner unless the chief elected official of the
16 municipality in which any tree [with a diameter greater than eighteen

17 inches] to be trimmed, cut or removed is situated is notified in writing.
18 The notice shall include the location and a description of such tree,
19 shrub or vegetation to be trimmed, cut or removed. The chief elected
20 official of such municipality shall have opportunity to submit to the
21 commissioner any information concerning the proposed trimming,
22 cutting or removal of such tree, shrub or vegetation. Such chief elected
23 official may appeal to the commissioner any decision concerning an
24 application for trimming, cutting or removing of trees, shrubs or
25 vegetation upon which said chief elected official submitted
26 information. No such permit for the removal of any such tree, shrub or
27 vegetation shall be refused if such removal is necessary for that use of
28 such adjoining land [which] that is of the highest pecuniary value. If
29 such permit is refused on any state highway right-of-way, where the
30 state does not own the right-of-way in fee, the owner of such tree,
31 shrub or vegetation may, within thirty days thereafter, request said
32 commissioner in writing to purchase or condemn an easement for the
33 purpose of maintaining such tree, shrub or vegetation and, if said
34 commissioner does not purchase the same, [he] said commissioner
35 shall condemn it, in the manner provided for the condemnation of
36 land for the construction, alteration, extension or widening of state
37 highways. Any payment so made shall be from funds appropriated to
38 the Department of Transportation. Said commissioner may plant, set
39 out and care for trees, shrubs or vegetation within the limits of such
40 highways and, by agreement with the owner of land adjoining such
41 highways, upon such adjoining land. Upon request in writing within
42 thirty days of planting of trees, shrubs or vegetation to delimit
43 boundaries of a highway by an adjoining owner not agreeing thereto,
44 said commissioner shall purchase or condemn an easement for the
45 purpose of maintaining such tree, shrub or vegetation in the manner
46 provided in this subsection. When the removal of such tree, shrub or
47 vegetation is necessary for that use of such adjoining land which is of
48 the highest pecuniary value, said commissioner shall remove the same
49 upon payment to him of all sums paid for said planting and for any
50 such easement with interest at the rate of six per cent per annum. Any

51 person, firm or corporation cutting, removing, damaging or pruning
52 any tree, shrub or vegetation in violation of the provisions of this
53 subsection, whether it was planted by the commissioner or not,
54 without a permit from said commissioner, shall be fined not more than
55 one thousand dollars for each such violation and shall be liable civilly
56 for any damage in an action brought by said commissioner.

57 (b) Notwithstanding the provisions of section 51-164p, any
58 municipality, by ordinance, may establish a civil penalty of not more
59 than one thousand dollars, for cutting, removing, damaging or
60 pruning any tree, shrub or vegetation in violation of the provisions of
61 subsection (a) of this section, on any scenic road, designated pursuant
62 to section 13b-31c, located in said municipality. Any such ordinance
63 shall provide for notice and an opportunity for a hearing prior to the
64 imposition of any such civil penalty. Any person who is assessed a
65 civil penalty pursuant to this subsection may appeal therefrom to the
66 Superior Court.

Statement of Purpose:

To increase municipal authority concerning trimming and cutting of trees on state land.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]